



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Four

AN ORDINANCE Relating to the Cottage Court Overlay District

Be it ordained by the City Council of the City of Keene, as follows:

That Chapter 100 of the Code of Ordinances of the City of Keene, the Land Development Code, as amended, is further amended as follows:

- I. That a new article entitled “Cottage Court Overlay District” is added to the Zoning Regulations after Article 16, as follows:

17.1 PURPOSE

The purpose of the cottage court overlay district is to:

- 1. Promote infill development and redevelopment within established neighborhoods that is built at a scale and character consistent with existing development patterns.
- 2. Encourage efficient use of land and cost-effective delivery of community services.
- 3. Expand the range of housing choices available to meet the needs of the city's changing demographic trends, including smaller households, young professionals, older adults, and empty nesters.
- 4. Provide developers and property owners with flexibility to achieve high quality design and develop projects that strengthen existing neighborhoods.
- 5. Encourage compact development that is pedestrian-scaled, healthy, safe, and affordable.

This purpose shall be accomplished by allowing for innovative site design and clustering of smaller residential units at a higher density within the tract than would be allowed by the underlying zoning district.

17.2 APPLICABILITY

17.2.1 Generally

All land located within the Cottage Court Overlay (CCO) District, as defined in Section 17.3, is subject to this article.

17.2.2 Authority

All proposals for a Cottage Court development shall obtain a conditional use permit issued by the Planning Board in accordance with N.H. RSA 674:21, Innovative Land Use Controls. The conditional use permit shall set forth all conditions of approval and shall clearly list all plans, drawings and other submittals that are part of the approved development.

17.3 DISTRICT DEFINED

Cottage Court developments shall be permitted in all Residential Districts (R, RP, LD, LD-1, MD, HD, and HD-1), subject to the provisions of this section. Parcels may be aggregated. Parcel(s) must have both city water and sewer service.

17.4. PERMITTED USES

- A.** A cottage court conditional use permit issued by the Planning Board shall be required for the uses listed in Table 17-1 when proposed as part of a cottage court development.

Table 17-1: Cottage Court Development Permitted Uses

Residential Uses	R	RP	LD-1	LD	MD	HD	HD-1	SECTION
Dwelling, Single Family	P	P	P	P	P	P	P	8.3.1.D
Dwelling, Two Family / Duplex	P	P	P	P	P	P	P	8.3.1.E
Dwelling, Triplex*			P	P	P	P	P	8.3.1.C
Dwelling, Townhome**				P	P	P	P	8.3.1.C
Dwelling, Multi-Family						P	P	8.3.1.C
Dwelling, Above Ground Floor	P	P	P	P	P	P	P	8.3.1.A
Non-Residential Uses	R	RP	LD-1	LD	MD	HD	HD-1	SECTION
Neighborhood Grocery Store	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	8.3.2.U
Office	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	8.3.2.V
Restaurant	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	8.3.2.AB
Retail Establishment, Light	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	8.3.2.AD
Day Care Center	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	p ¹	8.3.3.C
Community Garden	P	P	P	P	P	P	P	8.3.6.B

P = Permitted in the CCO P¹ = Permitted in the CCO with limitations per Section 17.4.B

**Triplexes fall under the definition for multi-family but in the CCO, the units must be attached horizontally and may not exceed three (3) units in a building.*

***Townhomes fall under the definition for multi-family but in the CCO, the units must be attached horizontally and must be between four (4) and six (6) units in a building.*

B. Use Standards:

- 1.** Commercial Uses (Neighborhood Grocery Store, Office, Restaurant, and Retail Establishment, Light) are allowed as follows:

- a. The commercial use must be on the corner of a public right-of-way.
- b. The commercial space shall be a maximum of 1,000 square feet.
- c. There must be residential uses above the commercial use.

- 2.** Day Care Center (Institutional Use) is an allowed use as follows:

- a. The use must be on the ground floor.
- b. The use shall be a maximum of 2,000 square feet.
- c. There must be residential uses above the day care center.

C. Uses Accessory to Residential Use

- a. Laundry and/or Storage structures for the use of residents are allowed if shown on the site plan prior to approval.

- b. Common Use Buildings with uses customary to support residential uses (kitchen area, meeting area, exercise areas, mail and package delivery, etc.) are allowed if shown on the site plan prior to approval.
- c. Other structures for the use or enjoyment of the residents such as picnic pavilions, arbors, trellises, mail kiosks, etc. are allowed if shown on the site plan prior to approval.
- d. Landscape elements for the use or enjoyment of the residents such as fire pits, bocce courts, play equipment, community garden beds, dog walks, picnic areas, sitting areas, and planting areas are allowed uses.
- e. Attached or Detached Garages are allowed in any district. This use may have units above the structure.

17.5 CONDITIONAL USE PERMIT

17.5.1 Development Types Allowed

- A. Projects may be developed on a single parcel of land with either a Property Management Entity, if rental units, or Homeowners Association (HOA) or Condominium Association, if for sale.
- B. Projects may be developed as a subdivision with units on individual lots. The project shall utilize either a Property Management Entity, if rental units, or a Homeowners Association (HOA) or Condominium Association, if for sale.
 - 1. **Buildout.** If lots are subdivided, the maximum building coverage, maximum impervious coverage, and stormwater runoff may be calculated for the overall tract, not individual lots, if open space is permanently protected through deed restrictions, conservation easements, or other means.
- C. Any Cottage Court development that includes proposals for condominium ownership or an HOA shall comply with all applicable state statutes regulating the condominium form of ownership and HOAs.

17.5.2 Dimensional Standards

- A. Minimum Dimensional Standards. All Cottage Court Developments shall meet the minimum dimensional standards specified in Table 17-2. If not specified in Table 17-2 or elsewhere in this Article, the dimensional requirements of the underlying zoning district shall apply.

Table 17-2. Dimensional Requirements for Cottage Court Developments

	Min tract size	None
	Min tract frontage	30 ft
TRACT	Perimeter Building Setback	From external roads Setbacks from existing roads external to the development may be less than the underlying zoning district in order to match an established building line along the road.
	From other tract boundaries	Shall match that of the underlying zoning district.
LOT	Min Lot Area	None
	Min Road Frontage (internal roads)	26 ft
	Min Lot Width at Building Line	None
	Front, Rear, and Side Setbacks	None

- B.** Density. There are no minimum or maximum density requirements.
- C.** Height.
 - 1. In R, RP, LD, LD-1, and MD the maximum height shall be 2.5 stories or 35' max.
 - 2. In HD and HD-1 the maximum height shall be 3 stories or 50' max.
 - 3. Parking under a structure, if not in a flood zone, counts as a story.
 - 4. In a flood zone, the height of the first floor is measured from the Finished Floor Elevation (FFE) or Base Flood Elevation + 1 foot, whichever is less.

17.5.3 Conditional Use Permit Standards

- A.** Dwelling Unit Size: No minimum unit size is required. All new units within the development shall have a maximum average size of 1,250 square feet (sf) gross floor area, excluding garages. The maximum building footprint shall be 900 sf per unit, excluding porches and garages, except for age restricted (55+) as defined in RSA 354-A:15, which shall be a maximum of 1,000 sf.
- B.** Parking.
 - 1. A minimum of 1 space per unit is required, or 0.75 per unit if units are designated for workforce housing as defined in Section 20.3.6.C of this LDC or age restricted (55+) occupancy. A maximum of 1 space per bedroom is allowed on site.
 - 2. Parking may be surface spaces or in garages that are part of or separate from the units.
 - 3. Required parking may be offsite if within 500 feet of the furthest unit unless the housing is designated for age restricted (55+).
 - 4. Leases for offsite parking areas, if applicable, must meet the requirements of Article 9, Section 9.2.9, "Remote Parking."
 - 5. Parking, if located between the street and units, shall not be visible from an external road. If the Planning Board approves a landscaped buffer to meet this requirement, the buffer shall, at a minimum, meet the "Parking Lot Screening" standards in Section 9.4.4 of this LDC.
- C.** Building separation. Separation between buildings shall be determined by applicable building and fire codes.
- D.** Driveways. Driveways providing access to three or more units and drive aisles internal to the site shall have a minimum width of 20' and a maximum width of 24' of paved width if two-way and a minimum of 10' and a maximum of 12' of paved width, with 18' clear width for fire access, if one-way. Where feasible, driveways should incorporate design features that give them the appearance of streets, including sidewalks, street trees, and lighting.
- E.** Internal Roads. New rights of way internal to the development shall meet the standards of Article 23.3, "Design & Construction Standards." However, some new streets may have factors such as limited access or low frequency use that may justify deviations from those standards, including lane widths, street trees, lighting, and sidewalks. Variation from those standards, if deemed appropriate, may be achieved through a waiver process as described in Article 23.

- F. Screening. A 6'-0" tall semi-opaque or opaque fence shall be required if the proposed building type (not density) is more intense than the adjacent building type (e.g., existing single-family home next to proposed town homes). The Planning Board may approve a landscaped buffer that provides similar or greater screening in lieu of a fence.

17.5.4 Architectural Guidelines

Projects using this approach should endeavor to “fit in” or be respectful of the context of the surrounding neighborhood. Approval of overall design should be gauged by adherence to the following urban design and architectural principles:

EASIER TO APPROVE	MORE DIFFICULT TO APPROVE
Narrow to the Frontage	Wider to the Frontage
Parking Screened from Frontage	Parking Visible from Frontage Building
Base Differentiated	Building Monolithic
Taller Ceiling Heights	Shorter Ceiling Heights
Natural / Integral Materials	Composite and Cladding
Structural Expression	Surface Expression
Thicker Wall Depth	Thinner Wall Depth
Simple, Clear Massing	Complex Massing
Vertical Fenestration	Horizontal Fenestration
Repetitive Fenestration	Mixed Fenestration
Contextual Materials	Unrelated Materials
Landscaping Unifies	Landscaping is unorganized.

17.5.5 Conditional Use Permit Application Procedure

All applications for a cottage court conditional use permit under this Article shall be made to the Planning Board and submitted to the Community Development Department following the procedures set forth in Section 26.14 of this LDC for conditional use permits, as they may be amended, and those listed below.

- A. Concurrent Review.
 1. Site Plan Review. Applications for a cottage court development that include 5 or more dwelling units shall require Major Site Plan review. Where major site plan review is required, no conditional use permit application may be considered complete without a complete major site plan application. Site plan applications will be considered concurrently with the conditional use permit application.
 2. Subdivision Review. Applications for a cottage court development that propose to subdivide land shall require subdivision review. Where subdivision review is required, no conditional use permit application may be considered complete without a complete

subdivision application. Subdivision applications will be considered concurrently with the conditional use permit application.

B. Submission Requirements

In addition to the materials required in Section 26.14 for a conditional use permit, an applicant for a cottage court conditional use permit shall submit the following items as part of their application.

1. A written narrative describing the following:

- a. The existing and proposed use(s) and development type.
- b. The proposed development or redevelopment including, but not limited to, the construction of new buildings or structures or additions to buildings or structures; interior renovations; installation of parking areas or paved surfaces; open space areas and accessory structures; screening; and landscaping.
- c. The physical and architectural characteristics of the site and the surrounding neighborhood.
- d. An explanation of how the proposed development complies with the Site Development Standards in Article 21. Where conflicts exist between the standards of this Article and the Site Development Standards, the standards of this Article shall apply.
- e. The location of access points for the existing and proposed lots if new lots are proposed.

2. Projects that propose 10 or more new dwelling units shall provide an analysis of estimated traffic generation associated with the proposed use utilizing the most current edition of the Institute of Transportation Engineers (ITE) Traffic Generation Manual or data provided by a NH licensed traffic engineer.

- II. That Section 2.1 of Article 2 be amended as follows: “Articles 2 through **19** ~~18~~ of this LDC shall constitute the official Zoning Ordinance for the City of Keene...”
- III. That “Dwelling, Two-Family,” “Neighborhood Grocery Store,” “Office,” “Restaurant,” “Retail Establishment, Light,” “Day Care Center,” and “Community Garden” be allowed uses with a Cottage Court Overlay (CCO) conditional use permit in all residential districts in Article 3, and that Tables 3.1.5, 3.2.5, 3.3.5, 3.4.5, 3.5.5, 3.6.5, 3.7.5, and 8-1 be updated to reflect this change. These commercial uses shall comply with the use standards detailed in Article 17, “Cottage Court Overlay District.”
- IV. That “Dwelling, Two-Family” and “Dwelling, Above Ground Floor” be allowed uses with a CCO conditional use permit in the Rural, Residential Preservation, Low Density 1, and Low Density districts, and that Tables 3.1.5, 3.2.5, 3.3.5, 3.4.5, and 8-1 be updated to reflect this change.
- V. That “Dwelling, Multi-Family” be an allowed use with a CCO conditional use permit in the Low Density 1 and Low Density districts, and that Tables 3.3.5, 3.4.5, and 8-1 be updated to reflect this change. This use shall comply with the use standards detailed in Article 17, “Cottage Court Overlay District.”

VI. That Articles 17 through 28 of the Land Development Code, and all subsections and references thereto, be amended to reflect the addition of a new Article 17, as follows:

- A. Article 17 shall become Article 18
- B. Article 18 shall become Article 19
- C. Article 19 shall become Article 20
- D. Article 20 shall become Article 21
- E. Article 21 shall become Article 22
- F. Article 22 shall become Article 23
- G. Article 23 shall become Article 24
- H. Article 24 shall become Article 25
- I. Article 25 shall become Article 26
- J. Article 26 shall become Article 27
- K. Article 27 shall become Article 28
- L. Article 28 shall become Article 29



Jay V. Kahn, Mayor

In City Council March 21, 2024.
Mayor set the Public Hearing for
April 18, 2024 at 7:00 PM.



Assistant City Clerk

A true copy;

Attest: 
City Clerk

PASSED May 16, 2024